

REMARKS

The present application is a U.S. national application of PCT Application No. PCT/IL00/00287 filed May 21, 2000. Applicant filed a preliminary amendment with the national filing, but the Examiner was not able to locate the preliminary amendment. The present amendment, therefore, relates to the international application and reinserts the amendments of the preliminary amendment. In addition, applicant relates to the rejections of the office action of March 8, 2004. Applicant requests that the claims not receive a final rejection as the preliminary amendment was misplaced by the patent office. Copies of the notice of acceptance and of the postcard receipt indicating that the preliminary amendment was received by the office are attached herewith.

The application now includes claims 1-5, 7-14, 16-22, 25-27, 29-34, 42, 44-45, 47 and 49-60. Claims 42, 44-45, 47 and 49-60 are withdrawn from consideration due to a restriction requirement. Claims 6, 15, 23-24, 28, 35-41, 43, 46 and 48 were cancelled.

The specification was amended as requested by the Examiner. The claims were all brought to single dependence form, as was to be performed by the preliminary amendment, which was lost.

Claim 3 was stands rejected for being indefinite. Claim 3 was amended to relate to the raster of sensors instead of the probe.

Claims 1-4 and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Pearlman (US patent 5,810,742).

Claim 1 was amended to include the limitation of original claim 6, that the probe apparatus includes an aligning feature.

Pearlman discusses X-ray imaging on column 20, lines 6-39. Pearlman, however, does not teach or suggest using a non-radiolucent aligning feature. The dependent claims are patentable at least because they depend on allowable claims.

Although for brevity, the dependent claims are not discussed in detail, applicant notes that the Examiner's statement that: "since the probe is used for x-ray mammography, it is inherent that the structure comprises a material having conductivity substantially similar to the conductivity of the tissue", is not understood. There is no connection between conductivity (electrical conductivity) and x-ray imaging. If x-ray imaging is the issue, x-ray transparency would be required. Furthermore, it is not obvious to require similar values to those of the tissue. Possibly, values as low or as high as possible would be used. Applicant refers the Examiner to the

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paragraph on page 27, line 31 to page 28, line 11, for a discussion relating to an exemplary embodiment covered by claim 4.

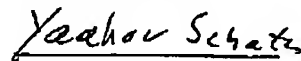
Claim 25 was amended to require an impedance imager receptor adapted to receive the impedance imager in a manner which allows the impedance probe to be removed, while the soft body tissue remains substantially in place. This amendment finds support at least on page 6, lines 13-16. Pearlman does not teach or suggest this feature.

Claim 14 stands rejected under 35 U.S.C. 102(b) as being anticipated by Christer (EP patent publication 1 000 580). Applicant notes that the rejection should not be a 102(b) rejection, as Christer was published 4 days before the present application was filed in the PCT.

Claim 14 was amended to require that the other modality is a nuclear imaging modality. Christer suggests, on columns 3-4 (paragraph 16), X-ray, CAT, ultrasound and MRI but not nuclear imaging. As is known in the art of imaging, nuclear imaging is a different type of imaging modality and is not used as an automatic substitute instead of other modalities.

In view of the above remarks, applicant submits that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance, applicant respectfully requests that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
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